

AMENDMENTS TO THE DRAWINGS:

Please enter the enclosed replacement Figure 1 of the drawings in the record.

REMARKS

The specification has been amended. A replacement Figure 1 of the drawings has been submitted herewith. Claims 9 and 15 have been amended. Claims 8 – 15 are pending in the application.

In the Office Action, the drawings are objected to. Furthermore, in the Office Action, claim 9 is objected to. Also, in the Office Action, claims 8, 10, and 11 are rejected under 35 U.S.C. §102(b) as being anticipated by WO 98/33426. Additionally, in the Office Action, claims 9 and 12 - 15 are rejected under 35 U.S.C. §103(a) over WO 98/33426 in view of DE 35 01 364.

Applicants thank the Examiner for the opportunity to discuss the present application on January 11, 2007. In that discussion, Applicants explained how the present invention was different than the prior art. The Examiner noted that while the structures were slightly dissimilar, i.e., positioning of the feet relative to the optional panel, the position was maintained that the prior art as presently set forth read on the claimed limitations as currently recited. Applicants agreed to consider options such as amending the claims of the present application to recite aspects of the panel relative to the feet, i.e., both being below the housing.

With respect to the objection to the drawings, Applicants have submitted a revised sole figure of the drawings herewith and has correspondingly revised the specification. Thus, it is respectfully submitted that the objection to the drawings is now overcome.

With respect to the objection to claim 9, Applicants have amended claim 9 to delete the term "of". Thus, it is respectfully submitted that the objection to claim 9 is now overcome.

With respect to the rejection of claims 8, 10, and 11 under 35 U.S.C. §102(b) as being anticipated by WO 98/33426 and the rejection of claims 9 and 12 - 15 under 35 U.S.C. §103(a) over WO 98/33426 in view of DE 35 01 364, favorable

reconsideration is respectfully requested in view of the amendments of claims 9 and 15 and the following comments.

Claim 8 of the present application recites a dishwashing machine having a dishwashing machine housing with an internal height and a pair of retractable pull-out upper and lower containers mounted one above the other in the housing. Each of the retractable pull-out containers contains a dishwashing system and the upper and lower containers have a total height less than the internal housing height.


WO 98/33426 discloses a dishwashing machine that, according to Page 3 of the Office Action, comprises a dishwashing machine housing [Fig. 8] having an internal height; a pair of retractable pull-out upper and lower containers [202a, 202b] mounted one above the other in the housing; each of the containers containing a dishwashing system; and the containers have a total height less than the internal height of the housing as readily apparent to the examiner. The lower container capable of being arranged adjustably above a recess on the housing as is known in the art. The containers having different heights with the upper container having a height greater than the height of the lower container [Fig. 7].

DE 35 01 364 discloses two pairs of adjustable feet (2) for an appliance housing.

It is submitted that neither WO 98/33426 nor DE 35 01 364, either alone or in combination, teach or disclose the dishwashing machine recited in claim 8 of the present application. For example, WO 98/33426 does not teach or disclose a dishwashing machine having a housing whose sides and base are raised above a surface on which the dishwashing machine is supported. Instead, as seen, for example, in Figure 8 of WO 98/33426, that reference discloses a dishwashing machine having a housing whose sides extend to the surface on which the dishwashing machine is supported and whose base rests on the surface on which the dishwashing machine is supported. DE 35 01 364 does not teach or disclose that a dishwashing machine having upper and lower pull-out containers, as recited in claim 8 of the instant application.

Thus, it is accordingly believed to be clear that neither of the cited references, whether taken alone or in any combination, either show or suggest the features of claim 8 of the present application. Claim 8 is, therefore, believed to be patentable over the art and, since claims 9 - 14 are ultimately dependent on claim 8, it is submitted that claims 9 - 15 are patentable for at least the reason that claim 8 is patentable.

Respectfully submitted



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